

ORDINANCE NO. 2010-103

**AN ORDINANCE OF THE CITY OF MADISON RELATING TO ZONING;
AMENDING THE ZONING ORDINANCE OF THE CITY OF MADISON, TO
REVISE THE COMMERCIAL ZONING DISTRICT SECTIONS;
PROVIDING AN EFFECTIVE DATE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MADISON AS
FOLLOWS:

Section 1. That the Madison Zoning Ordinance, as last amended, is further amended by revising the following Sections, with subsections:

Section 4-6. B-1 Neighborhood Commercial District (Ord. 96-02) (Ord. 97-50) (Ord. 2000-237)

The purpose of the B-1 District is to provide for the most frequent daily needs of residents of an immediate neighborhood. The district is intended to apply to areas where selected establishments may be appropriately located with more restrictive provisions for light, air, and open space. The B-1 District is not intended for use by major or larger scale commercial or service establishments. Orientation to, and compatibility with, adjacent residential neighborhoods to be served is critical.

4-6-1 Dimensional Requirements for B-1 Neighborhood Commercial District

1. Front yard setback: Forty (40) feet (exception, see subsection 5-11-4)
2. Side yard setback: None required, except on the side of lot adjoining a residential or agricultural district, in which case, there shall be provided a side yard of not less than fifteen (15) feet.
3. Rear yard setback: Shall not be required except where a rear lot line adjoins a residential or agricultural district and/or the commercial building is designed to be serviced from the rear, there shall be provided a rear yard of not less than twenty (20) feet for lots without alleys and thirty (30) feet for lots with alleys.
4. Minimum lot size: Fifteen Thousand Square Feet (15,000)
5. Lot coverage: Main and accessory buildings shall not cover more than fifty (50) percent of the lot area.
6. Height: No building shall exceed thirty-five (35) feet in height.

4-6-2 Required Conditions for B-1 Neighborhood Commercial District

1. Permitted Uses and Special Exceptions shall be located only on a major street as depicted on the City of Madison's Major Street Plan.
2. All uses shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
3. All businesses shall be conducted within an enclosed building.
4. Ingress and egress shall be a minimum of sixty (60) feet from the intersection of any two (2) streets.

4-6-3 Permitted Uses in B-1 Neighborhood Commercial District

Permitted Uses are located in Table 1 found after the Medical Center District section of this Ordinance

Section 4-7. B-2 Community Commercial District (Ord. 96-02)(Ord. 96-06) (Ord. 97-50)

The purpose of the B-2 District is to provide for the needs of a larger consumer population than is served by the B-1 Neighborhood Commercial District. The B-2 District is characterized by large volumes of vehicular and/or pedestrian traffic and as such, should be properly located with respect to existing development and thoroughfares.

4-7-1 Dimensional Requirements for B-2 Community Commercial District

1. Front yard setback: Fifty (50) feet, provided further that the first twenty (20) feet shall be maintained as a landscaped yard and no parking shall be permitted therein.
2. Side yard setback: Fifteen (15) feet, except on the side of a lot adjoining a street line, or a residential or agricultural district, in which case, there shall be provided a side yard of not less than twenty-five (25) feet.
3. Rear yard setback: Twenty feet, except where a rear lot line abuts a street line, or adjoins a residential or agricultural district, in which case there shall be provided a rear yard of not less thirty (30) feet.
4. Minimum lot size: Twenty Thousand (20,000) square feet
5. Lot coverage: Main and accessory buildings shall not cover more than fifty (50) percent of the lot area.
6. Height: No building shall exceed thirty-five (35) feet in height.
7. Open Space: A minimum of 15% of the gross plat area shall be preserved as open space.
 - a) Required open space may be used for sidewalks, outdoor recreation facilities, bicycle paths, or jogging trails. Any space not so utilized shall be landscaped in such a manner as to provide for the maximum protection of tree canopy, preservation of desirable on-site vegetation, and preservation of the environmental characteristics of the site in as close to a natural state as possible.
 - b) Required open space may not be paved, developed or improved, except that bicycle paths, sidewalks, and jogging trails, where provided, shall be paved at a width of four to eight feet.
 - c) Ponds, lakes, and creeks may be included in open space calculations, subject to the approval of the Planning Commission. However, a maximum of 30% of the open space requirement may be met in this way.
 - d) Yards, setback areas, planter islands, swales, and other parking lot landscaping shall be counted as open space for the purpose of meeting the requirements of this ordinance.
 - e) Recreational facilities shall not be counted as open space in the B-2 District.

4-7-2 Required Conditions for B-2 Community Commercial District (Ord. 99-79, 7-26-99)

1. Permitted Uses and Special Exceptions shall be located only on arterials and major thoroughfares as depicted on the City's Land Use Plan.
2. All uses shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where purchased.
3. All business shall be conducted within an enclosed building with the exception of open air business as specified under subsection 4-7-2.
4. Ingress and egress shall be a minimum of sixty (60) feet from the intersection of any two (2) streets.
5. A. The height of any materials stored or displayed in a front yard, or in any required parking and vehicular use area between the street line and the building shall not exceed the following:
 - a) within 20 ft. of the street: not allowed
 - b) between 20 ft. from the street line and the building wall: 5 ft. plus 1 ft. for every 10 ft. in excess of 50 ft. (Example: item is placed 75 ft. from street, Allowable height is 5 ft. + $(75-50)/10 = 7.5$ ft.) in no case more than 25 ft.
 - c) Such outside display or storage may not exceed 20% of the parking and vehicular use area.

- d) Such outside display or storage may not adversely affect traffic visibility, traffic safety or circulation.
- e) All materials stored or displayed outside must form a single contiguous area, and only one such area shall be allowed on any one lot, provided that access drives and loading areas within such an area shall not interrupt contiguity.
- f) On-site outside storage or display by a building owner or long-term tenant may continue for no more than six months in any 12-month period, provided that the Director of Planning may grant one 90-day extension in any such 12-month period.
- g) Transient merchants may store and display merchandise at any particular location for no more than 3 months in any calendar year, but not more than 14 continuous calendar days. No extension to this time limit is permitted.

4-7-3. Standards for Car Washes as Special Exception Uses in the B-2 District

- 1. All requirements of Sections 4-7-1 and 4-7-2 shall be met by any car wash.
- 2. No car wash may open for business before 6:00 AM, nor close later than 11:00 PM.
- 3. Up to one service bay for the changing of motor oil, transmission oil, filters, coolant, other fluids, and lubrication shall be permitted as an accessory use. This bay shall be part of the principal building.
- 4. Holding tanks for recycling spent motor oil shall be buried underground, unless prohibited by State law.
- 5. No accessory buildings shall be allowed, except for dumpster enclosures
- 6. No noise, water spray, or other effects of the car wash shall extend beyond the property line.
- 7. All water generated by the car wash shall be recycled. (Ord. 92-5)

4-7-4 Permitted Uses in B-2 Community Commercial District

Permitted Uses are located in Table 1 found after the Medical Center District section of this Ordinance

Section 4-7-A. B-2/S-1 Community Commercial Special District 1

(Created Ord. 91-118; Amended Ord. 93-157; Amended Ord. 95-163, 96-02)

Commercial Subdivisions, which are platted pursuant to the City's adopted subdivision regulations and contain lots which are sold fee-simple to the public. Commercial Subdivisions shall provide the City with copies of covenants which provide for overall management or association of property owners and make provision for the maintenance of common areas. Provided that the hereinabove enumerated uses may not be permitted as special exception uses when located contiguous to any residential district.

4-7-A-1. Dimensional Requirements for B-2/S-1 Community Commercial Special District 1

- 1. Front Yard Setback: 50', the 20' closest to the road to be a landscaped buffer
- 2. Side Yard Setback: 10'
- 3. Rear Yard Setback: 10', which is to contain a paved alley
- 4. Minimum Lot Size: 25,000 ft.
- 5. Maximum Building Coverage of the lot shall not exceed 21%
- 6. Maximum Floor Area Ratio: the ratio of floor area to lot area shall not exceed 35%
- 7. Maximum Building Height: 35 ft.

4-7-A-2. Required Conditions for B-2/S-1 Community Commercial Special District 1

All required conditions for the B-2/S-1 district:

1. Minimum subdivision size: 75,000 ft., with at least three contiguous subdivision lots of at least 25,000 sq. ft. each. All lots within the subdivision may be platted after the subdivision is zoned B-2/S-1, but all lots must be platted before any building permit is issued for any lot in the subdivision.
2. All lots shall front on a public street.
3. Common areas may be provided but must be maintained by an association of owners or the developer. Common areas must not be included in individual lots and may not count toward meeting minimum lot size.
4. All new buildings or structures requiring building permits shall be required to obtain site plan approval from the Planning Commission. All site plans shall include a landscape plan which shall be reviewed as part of the site plan, and the site plan certificate, if issued, shall bind the developer or contractor to the specifications presented therein to the Planning Commission.
5. All dumpsters shall be enclosed on all four sides in order to conceal them from public view and minimize the impact of scavengers and rodents.
6. No accessory structures, except for dumpster enclosures, shall be permitted.
7. No outdoor sales, including the sale of gasoline, diesel, or propane, shall be permitted. No outside vending machines shall be permitted.
8. All lots shall be subdivided pursuant to the City's subdivision regulations.
9. No more than one building per lot of record.
10. 25% of the lot area shall be landscaped.
11. Outdoor high-intensity security lighting is prohibited. Any outdoor lighting not substantially similar in intensity to that in adjacent residential areas, if any, is not permitted.
12. landscaped buffer shall be provided as required in Section 5-18 of the Zoning Ordinance, except that in the B-2/S-1 District, the zone of 80% opacity of this buffer shall extend from 2 ft. above grade to 8 ft. above grade.

4-7-A-3 Permitted Uses for B-2/S-1 Community Commercial Special District 1

Permitted Uses are located in Table 1 found after the Medical Center District section of this Ordinance

Section 4-8. B-3 General Business District (Ord. 96-02) (Ord. 96-06) (Ord. 96-139) (Ord. 97-50)

The purpose of the B-3 District is to provide sites for more diversified business types which are often located to serve passer-by traffic and require outdoor sales and storage.

Section 4-8-1. Dimensional Requirements for B-3 General Business District

1. Front yard setback: Fifty (50) feet, provided further that the first twenty (20) feet shall be maintained as a landscaped yard and no parking shall be permitted therein.
2. Side yard setback: Fifteen (15) feet, except on the side of a lot adjoining a street line, or a residential or agricultural district, in which case, there shall be provided a side yard of not less than twenty-five (25) feet.
3. Rear yard setback: Twenty feet, except where a rear lot line abuts a street line, or adjoins a residential or agricultural district, in which case there shall be provided a rear yard of not less thirty (30) feet.
4. Minimum lot size: Twenty Thousand (20,000) square feet
5. Lot coverage: Main and accessory buildings shall not cover more than fifty (50) percent of the lot area.

6. Height: No building shall exceed thirty-five (35) feet in height.
7. Open Space: A minimum of 15% of the gross plat area shall be preserved as open space.
 - a) Required open space may be used for sidewalks, outdoor recreation facilities, bicycle paths, or jogging trails. Any space not so utilized shall be landscaped in such a manner as to provide for the maximum protection of tree canopy, preservation of desirable on-site vegetation, and preservation of the environmental characteristics of the site in as close to a natural state as possible.
 - b) Required open space may not be paved, developed or improved, except that bicycle paths, sidewalks, and jogging trails, where provided, shall be paved at a width of four to eight feet.
 - c) Ponds, lakes, and creeks may be included in open space calculations, subject to the approval of the Planning Commission. However, a maximum of 30% of the open space requirement may be met in this way.
 - d) Yards, setback areas, planter islands, swales, and other parking lot landscaping shall be counted as open space for the purpose of meeting the requirements of this ordinance.
 - e) Recreational facilities shall not be counted as open space in the B-3 District.

4-8-2. Required Conditions for B-3 General Business District (Ord. 99-79, 7-26-99)

1. Permitted Uses and Special Exceptions shall be located only on arterials and major thoroughfares as depicted on the City's Land Use Plan or have access through areas not zoned for residential or agricultural purposes.
2. All lighting shall be shielded from adjacent residential districts.
3. Ingress and egress shall be a minimum of sixty (60) feet from the intersection of any two (2) streets.
4. No hazardous materials (as defined by the Alabama Department of Environmental Management) shall be produced, stored, used, or disposed of in any self-service storage facility in this district. (amended Ord. 93-18)
5. No Special Exception permit authorizing the construction of any structure with height exceeding 35 ft. shall be granted, unless the parcel on which the structure is to be placed is entirely within 0.5 miles of the centerline of I-565
6. A. The height of any materials stored or displayed in a front yard, or in any required parking and vehicular use area between the street line and the building shall not exceed the following:
 - a) within 20 ft. of the street: not allowed
 - b) Between 20 ft. from the street line and the building wall: 5 ft. plus 1 ft. for every 10 ft. in excess of 50 ft. (Example: item is placed 75 ft. from street, Allowable height is 5 ft. + $(75-50)/10 = 7.5$ ft.) in no case more than 25 ft.
 - c) Such outside display or storage may not exceed 20% of the parking and vehicular use area.
 - d) Such outside display or storage may not adversely affect traffic visibility, traffic safety or circulation.
 - e) All materials stored or displayed outside must form a single contiguous area, and only one such area shall be allowed on any one lot, provided that access drives and loading areas within such an area shall not interrupt contiguity.
 - f) On-site outside storage or display by a building owner or long-term tenant may continue for no more than six months in any 12-month period, provided that the Director of Planning may grant one 90-day extension in any such 12-month period.
 - g) Transient merchants may store and display merchandise at any particular location for no more than 3 months in any calendar year, but not more than 14 continuous calendar days. No extension to this time limit is permitted.

4-8-3. Standards for Approval of Special Exception Permits to authorize the construction of structures in excess of 35 ft. in height.

In addition to the provisions of Section 10-8 (6)(a - h), the Zoning Board of Adjustment shall observe the following restrictions in deciding Special Exception Permits in the B-3 District which authorize the construction of structures in excess of 35 ft. in height:

1. For every structure with height in excess of 35 ft., the required side yard shall be 30 ft., plus 1 ft. for every ft. in building height in excess of 35 ft
2. For every structure with height in excess of 35 ft., the required rear yard shall be 15 ft., plus 1 ft. for every ft. in building height in excess of 35 ft
3. Required rear and side yards shall be increased by 15 ft. along any side lot line adjoining a right-of-way or a residential district
4. In no case shall maximum building height exceed 60 ft.

4-8-4 Permitted Uses in B-3 General Business District

Permitted Uses are located in Table 1 found after the Medical Center District section of this Ordinance

Section 4-8A. MC (MEDICAL CENTER) DISTRICT REGULATIONS (Ord. 2005-292)

The purpose of the Medical Center District is to provide a protective district for the harmonious development of medical facilities. The Medical Center District is intended to be protected from encroachment by land uses adverse to the location, operation, and expansion of medical use development and surrounding residential development. These Medical Center District Regulations are intended to promote the health, safety, morals, welfare, comfort, and convenience of the inhabitants of this district and its environs.

Within the Medical Center District as shown on the official Zoning Map of the City of Madison, Alabama, the following regulations shall apply:

4-8A-1 Dimensional Requirements for MC Medical Center District

1. Minimum lot size: 25,000 sq. ft.
2. Minimum front yard setback: 80 ft.
3. Minimum side yard setback: (10) feet on any side. When the side lot line abuts a residential district, a side yard of fifty (50) feet is required.
4. Minimum rear yard: 15 ft., except that when the rear of the lot abuts a residential district, a rear yard of fifty (50) feet is required.
5. Off-street parking spaces are not permitted within 50 ft. of an adjacent residential district.
6. Maximum lot coverage: Buildings shall not cover an area greater than sixty percent (60%) of the total area of the tract on which the buildings are located.
7. Maximum height: 90 ft.
8. Street access and frontage: Each lot shall have a minimum frontage of fifty (50) feet on a public road depicted on the City's Major Street Plan.

4-8A-2 Required Conditions for MC Medical Center District

1. Required front yards of all developed parcels shall be landscaped with trees, shrubs and vegetative ground covers and shall be maintained in a manner as to be neat in appearance when viewed from any street or adjacent property. A minimum of one (1) tree per thirty-five (35) feet of boundary, or part thereof, shall be planted and be well distributed throughout the required front yard. Required trees shall be of locally adapted species, fifty percent (50%) of which shall be of a type expected to reach thirty-five (35) feet in height under normal growing conditions. Wherever these requirements conflict with the Parking Lot Landscaping Ordinance, Section 5-5-6 of the Zoning Ordinance, the more stringent requirements shall control.
2. All off-street parking areas shall be screened to a minimum height of thirty-six (36) inches, where feasible, from view from streets and adjacent properties by the use of earth berms and/or landscape materials. Landscape materials used for screening shall be of locally adapted species and shall be a minimum of twenty-four (24) inches in height and spread at the time of installation. Where required side or rear yards are adjacent to a residential district, the first fifteen (15) feet as measured from the residential district shall be landscaped with a Buffer of Screen Planting as defined herein.

3. Exterior storage shall be screened by a solid or opaque fencing of a height sufficient to conceal items being stored, but not less than 6 ft. Fencing shall be of a material similar to and compatible with the exterior materials of the primary buildings. All exterior storage and fencing shall be maintained in such a manner to be neat in appearance when viewed from any street. No exterior storage or display of materials is permitted in any part of a front yard. Exterior storage is not permitted within two hundred (200) feet of a residential district unless enclosed in a solid or opaque fence of at least eight (8) feet in height. Exterior storage is not permitted within fifty (50) feet of a residential district under any circumstances.

4-8A-3 Sign Controls for MC Medical Center District

A master sign plan shall be submitted to the City of Madison showing the location of all signage erected in the Medical Campus. The master sign plan shall be reviewed by the Technical Review Committee and approved by the Planning Commission.

4-8A-4 Off-Street Parking: and Loading Requirements

Off-street parking and loading requirements shall be as enumerated in Section 5-15 of this Ordinance, including minimum space and landscaping requirements.

4-8A-5 Other Provisions for MC Medical Center District

All provisions of the Zoning Ordinance, including without limitation, provisions relating to exterior treatment of buildings, light pollution control, administrative site plan requirements, and other requirements shall apply to the Medical Center District unless specifically exempted by law.

4-8A-6 Permitted Uses

Permitted Uses for B1, B2, B2S1, B3 and MC are located in Table 1 found below.

P-Permitted Use

NP-Not Permitted

SE-Special Exception

Table 1 Permitted Uses in Commercial Districts & The Medical Center District					
Uses	B1	B2	B2S1	B3	MC
Alcohol Sales – On-Premises beer and wine*	NP	P	NP	P	NP
Alcohol Sales – Off-premises beer and wine*	P	P	NP	P	NP
Alcohol Sales – Restaurants*	NP	P	NP	P	NP
Alcohol Sales – Sale of liquor for off-premises*	NP	NP	NP	P	NP
Apparel Stores	P	P	SE	P	P
Appliance Stores	NP	P	SE	P	P
Appliance Repair	NP	P	NP	P	P
Antiques Store	P	P	P	P	P
Art & Crafts	P	P	P	P	P
Assisted Living	P	P	NP	P	P
Bakeries	P	P	NP	P	P
Banks	P	P	P	P	P
Barber Shop/Beauty Parlors	P	P	SE	P	P
Book Stores	P	P	SE	P	P
Car Wash	NP	P	P	P	NP
Child Care Centers	P	P	NP	P	P
Commercial Recreation-Indoor	NP	P	NP	P	P
Commercial Recreation-Outdoor	NP	NP	NP	P	P
Computer Supply Stores	P	P	NP	P	P
Confectionary Shops	P	P	SE	P	P
Conference Centers	NP	NP	NP	P	P
Dressmaker	P	P	SE	P	P
Dry Cleaner	P	P	SE	P	P

Electronics Stores	P	P	SE	P	P
Essential Utility Services	P	P	P	P	P
Farming & Agriculture	P	P	P	P	P
Florist Shops	P	P	NP	P	P
Fraternal Organizations	NP	P	NP	P	P
Funeral Homes	SE	P	NP	P	P
Furniture Stores	P	P	NP	P	P
Gas & Convenience Store	SE	P	SE	P	P
General Merchandise	P	P	NP	P	P
Gift Shops	P	P	SE	P	P
Government Buildings & Services	P	P	P	P	P
Grocery Stores	P	P	P	P	P
Hardware Stores	P	P	NP	P	P
Health Clubs	NP	P	NP	P	P
Hobby Shops	P	P	NP	P	P
Hospitals	NP	NP	NP	NP	P
Hotel & Motels	NP	NP	NP	P	SE
Ice Cream Shops	P	P	SE	P	P
Jewelry Shops	P	P	SE	P	P
Laundromats	NP	P	NP	P	P
Medical Clinics	P	P	P	P	P
Medical Supply Stores & Offices	P	P	SE	P	P
Millinery Shop	P	P	SE	P	P
Mini Storage Facilities	NP	NP	NP	P	SE
Movie Rental	P	P	NP	P	P
Movie Theaters	P	P	NP	P	P
Nursing Homes	NP	P	NP	P	P
Offices	P	P	P	P	P
Open Air Businesses	NP	NP	NP	P	SE
Pharmacies	P	P	SE	P	P
Photography Studio	NP	P	NP	P	P
Private Instructional Studios	NP	P	NP	P	P
Professional Schools or Colleges	NP	NP	NP	P	P
Radio Station Offices	NP	P	NP	P	P
Radio Stations/Transmitters	NP	NP	NP	P	P
Rehabilitation Services	NP	NP	NP	P	P
Research Facilities	NP	NP	NP	P	P
Restaurants-Fast Food	SE	P	NP	P	P
Restaurant-Sit Down	SE	P	SE	P	P
Retail-General	P	P	NP	P	P
Shoe Stores	P	P	NP	P	P
Shoe Repair	P	P	SE	P	P
Sporting Goods	P	P	NP	P	P
Small Engine Repair	P	P	NP	P	NP
Surgery Centers	NP	P	NP	P	P
Tailor Shops	P	P	SE	P	NP
Teleports	NP	NP	NP	NP	P
Teleconferencing Centers	NP	NP	NP	NP	P
Travel Agencies	P	P	SE	P	P
Vehicle Sales	NP	P	NP	P	SE
Vehicle Repairs	NP	P	NP	P	SE
Worship Centers	P	P	P	P	P

* Proximity to churches and schools are regulated by the latest edition of the Madison Code of Ordinances.

Section 2. Effective Date. This Ordinance shall become effective upon the final passage and adoption thereof by the City Council of the City of Madison, Alabama, and upon its publication as required by law.

READ, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Madison, Alabama, on this the 24th day of May, 2010.

Bill Holtzclaw
President and Presiding Officer of the
City Council of the City of Madison

ATTEST

Melanie A. Williard
City Clerk-Treasurer

Approved this _____ of May, 2010.

Paul Finley, Mayor